

VZCZCXRO1718
RR RUEHAST
DE RUEHVI #2731/01 2561231
ZNR UUUUU ZZH
R 131231Z SEP 06
FM AMEMBASSY VIENNA
TO RUEHC/SECSTATE WASHDC 4926
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE

UNCLAS SECTION 01 OF 02 VIENNA 002731

SIPDIS

SENSITIVE

SIPDIS

STATE FOR EUR/SCE

E.O. 12958: N/A
TAGS: [PGOV](#) [PREL](#) [KDEM](#) [UNMIK](#) [SR](#) [YI](#) [AU](#)

SUBJECT: KOSOVO STATUS NEGOTIATIONS: SEPTEMBER 8-9 TALKS MAKE LITTLE PROGRESS

VIENNA 00002731 001.2 OF 002

THIS CABLE IS SENSITIVE BUT UNCLASSIFIED. PLEASE HANDLE ACCORDINGLY.

1. (U) THIS CABLE IS AN UPDATE FROM THE U.S. LIAISON OFFICER IN THE OFFICE OF THE UN SPECIAL ENVOY FOR KOSOVO STATUS (UNOSEK).

SUMMARY

2. (SBU) DESPITE A MORE POSITIVE SPIN IN THE MEDIA, TECHNICAL TALKS ON KOSOVO HELD IN VIENNA SEPTEMBER 8 AND 9 MADE LITTLE PROGRESS. THE MEETINGS CONFIRMED THAT THERE IS NOW VIRTUALLY NO MOVEMENT BY EITHER SIDE ON THE ISSUES OF DECENTRALIZATION, PROTECTION OF CULTURAL HERITAGE AND COMMUNITY RIGHTS. THE MEETINGS WERE CHAIRED BY DEPUTY SPECIAL ENVOY ALBERT ROHAN WITH THE BELGRADE DELEGATION LED BY SLOBODAN SAMARDZIC AND ALEXANDAR SIMIC AND PRISTINA LED BY DEPUTY PRIME MINISTER LUFTI AZIRI AND UNITY TEAM MEMBER VETTON SURROI.

MEETINGS WITH SPECIAL ENVOY AHTISAARI

3. (SBU) PRIOR TO THE TWO DAYS OF NEGOTIATIONS, EACH SIDE HELD A BRIEF PRE-MEETING WITH SPECIAL ENVOY MARTTI AHTISAARI. THE BELGRADE DELEGATION STRESSED TO THE SPECIAL ENVOY THE NEED TO SLOW DOWN THE NEGOTIATING PROCESS IN ORDER TO FIND MUTUAL AGREEMENT BETWEEN THE TWO PARTIES. AHTISAARI TOLD THE BELGRADE DELEGATION THAT UNOSEK IS FOLLOWING THE TIMEFRAME AS OUTLINED BY THE CONTACT GROUP (CG), AND IT IS THE MEMBERS OF THE CG THAT BELGRADE SHOULD TALK TO IF THEY WISH TO CHANGE THE TIME FRAME. IN ITS MEETING WITH SE AHTISAARI, THE PRISTINA DELEGATION EMPHASIZED THAT THE UNITY TEAM WAS UNDER INTENSE POLITICAL PRESSURE FROM THE ASSEMBLY AND POLITICAL PARTIES AND THAT THEY WOULD BE UNABLE TO COMPROMISE MORE WITHOUT SINCERE POLITICAL COSTS BACK IN PRISTINA.

DECENTRALIZATION

4. (SBU) TALKS ON DECENTRALIZATION CENTERED SPECIFICALLY ON THE MUNICIPAL COMPETENCIES FOR NEW SERB-MAJORITY MUNICIPALITIES. NEITHER SIDE MOVED OFF ITS POSITIONS REGARDING ASYMMETRIC DECENTRALIZATION, WHICH WOULD GRANT ADDITIONAL COMPETENCIES FOR SERB-MAJORITY MUNICIPALITIES COMPARED TO ALBANIAN-MAJORITY MUNICIPALITIES. BELGRADE CONTINUES TO INSIST ON ADDITIONAL COMPETENCIES FOR ALL SERB MUNICIPALITIES, PARTICULARLY IN THE REALM OF HEALTH CARE AND EDUCATION. PRISTINA CONTINUES TO WANT TO ENUMERATE WHICH MUNICIPALITIES CAN HAVE ADDITIONAL COMPETENCIES, AND ONLY IN SPECIAL CASES. OUTSTANDING ISSUES INVOLVE THE UNIVERSITY OF

MITROVICA, TEXTBOOK/CURRICULUM DEVELOPMENT, AND THE NUMBER OF HOSPITALS WITHIN SERB-MAJORITY MUNICIPALITIES. WITH REGARDS TO CROSS-BOUNDARY COOPERATION, PRISTINA OBJECTED TO THE DIRECT LINKS OF MUNICIPALITIES COOPERATING WITH GOVERNMENT AGENCIES IN SERBIA. (NOTE: THIS IS A STEP BACKWARDS FOR PRISTINA, WHOM UNOSEK PREVIOUSLY BELIEVED HAD AGREED TO THIS CONCEPT. END NOTE.) MINOR PROGRESS WAS ACHIEVED WITH BELGRADE AGREEING THAT FUNDING FOR PARTNERSHIPS COULD BE CHanneLED THROUGH MUNICIPAL BUDGETS. PRISTINA AGREED THAT, FOR PRACTICAL MATTERS, THERE COULD BE DIRECT RELATIONS BETWEEN PARTNERSHIPS AND INSTITUTIONS OUTSIDE OF KOSOVO.

CULTURAL AND RELIGIOUS HERITAGE

15. (SBU) DISCUSSIONS FOCUSED ON THE DELINEATION OF THE PROTECTIVE ZONES; THE TERMS OF REFERENCE OF A MONITORING AND IMPLEMENTATION COMMITTEE REGARDING THE CULTURAL AND RELIGIOUS SITES; AND THE RETURN OF ARTIFACTS. UNOSEK PROPOSED SOME REVISIONS TO FOUR PROTECTIVE ZONES DISCUSSED EARLIER AND THE ADDITION OF PROTECTIVE ZONES FOR NOVO BRDO, SOCANICA, ZVECAN FORTRESS AND GAZIMESTAN. PRISTINA PROPOSED MINOR ADJUSTMENTS TO MOST PROPOSALS, BUT AIRED MAJOR OBJECTIONS TO THE SUGGESTION TO HAVE A LARGE PROTECTIVE ZONE AROUND GAZIMESTAN. BELGRADE PRESENTED A MORE PRECISE PLAN (DEFINED TO THE LEVEL OF CADASTRAL ZONE) FOR ITS PROPOSAL OF 39 PROTECTIVE ZONES, TOTALING SOME 5200 HECTARES. BELGRADE CONTINUED TO EXPLICITLY LINK THE RETURN TO PRISTINA OF THE ARTIFACTS, TAKEN FROM THE MUSEUM OF KOSOVO IN 1999, WITH AN OVERALL AGREEMENT ON CULTURAL AND RELIGIOUS HERITAGE. THE PRISTINA DELEGATION REPEATEDLY REFERRED TO THIS LINKAGE AS "BLACKMAIL." WITH REGARD TO THE MONITORING AND IMPLEMENTATION COMMITTEE, BELGRADE WANTS TO ENLARGE THE PARTICIPATION TO INCLUDE REPRESENTATIVES OF THE MINISTRY OF RELIGION AND CULTURE AS WELL AS TWO BELGRADE INSTITUTIONS DEALING WITH THE PROTECTION OF CULTURAL AND RELIGIOUS HERITAGE. AS FAR AS SECURITY FOR THE SITES, BOTH SIDES WISH TO SEE KFOR PROTECTION FOR AS LONG AS NECESSARY. ROHAN INFORMED THAT UNOSEK WAS IN TOUCH WITH NATO REGARDING THIS ISSUE, ADDING THAT IT WAS UNOSEK'S UNDERSTANDING THAT THE CURRENT LEVEL OF PROTECTION OF THE SITES WOULD MAINTAINED "AS

VIENNA 00002731 002.2 OF 002

LONG AS NECESSARY," BASED ON THE SECURITY ASSESSMENTS/CONSULTATIONS WITH THE PROPOSED INTERNATIONAL MONITORING COMMITTEE.

COMMUNITY RIGHTS

16. (SBU) COMMUNITY RIGHTS TALKS FOCUSED ON THE REPRESENTATION OF THE COMMUNITIES IN THE KEY INSTITUTIONS (ASSEMBLY, GOVERNMENT AND JUDICIARY), AND OTHER MECHANISMS FOR THE PROTECTION OF THE RIGHTS OF THE COMMUNITIES (VITAL INTEREST MECHANISM, OMBUDSPERSON AND THE COMMUNITY CONSULTATIVE COUNCIL). THE PRISTINA DELEGATION REITERATED ITS POSITIONS ON THESE ISSUES, AS OUTLINED IN PRISTINA'S REVISED DOCUMENT, ENTITLED THE "FRAMEWORK FOR THE PROTECTION OF RIGHTS OF COMMUNITIES IN KOSOVO," WHICH WAS RELEASED AT THE END OF AUGUST AND WHICH UNOSEK HAD PREVIOUSLY DELIVERED TO BELGRADE.

17. (SBU) THE BELGRADE DELEGATION NOTED THAT MANY OF THE ISSUES RELATING TO COMMUNITY RIGHTS WERE NOT STATUS-NEUTRAL AND COULD NOT BE DISCUSSED IN THIS FORMAT OF "TECHNICAL TALKS." IT THEN PRESENTED A NUMBER OF PRINCIPLED OBJECTIONS TO THE TEXT OF PRISTINA: I) THE FRAMEWORK PROPOSED BY PRISTINA ASSUMED IN MANY INSTANCES THAT KOSOVO WOULD BE INDEPENDENT IN FUTURE; II) PRISTINA'S PROPOSALS WERE SEEN TO BE TOO MUCH FOCUSED ON INDIVIDUAL RATHER THAN COLLECTIVE RIGHTS; III) THE DEFINITION OF COMMUNITIES REFERRED TO "MINORITIES," WHILE BELGRADE WOULD NOT ACCEPT THAT SERBS WERE CONSIDERED A MINORITY WITHIN SERBIA; IV) THE COMMUNITY RIGHTS LISTED IN THE PRISTINA DOCUMENT SHOULD BE GUARANTEED BY THE CONSTITUTION, NOT MERELY BY CONSTITUTIONAL LAWS; V) A NUMBER OF RIGHTS FOR THE COMMUNITIES WERE OF A TEMPORARY NATURE; AND, VI) IN SOME RESPECTS, THE RIGHTS AS OUTLINED BY PRISTINA FELL SHORT OF THE CURRENT CONSTITUTIONAL FRAMEWORK. BELGRADE ALSO FOCUSED ON THE NEED FOR BETTER ENFORCEMENT OF PROTECTIONS CURRENTLY ON THE BOOKS AND STRESSED THE NEED FOR ADEQUATE FISCAL RESOURCES TO APPROPRIATELY FUND SOME OF PRISTINA'S PROPOSALS, SUCH AS THE PUBLISHING OF ALL PUBLIC DOCUMENTS IN BOTH ALBANIAN AND SERBIAN LANGUAGES.

18. (SBU) BELGRADE OFFERED FEW PRAGMATIC PROPOSALS. INSTEAD,

BELGRADE REITERATED ITS INTEREST IN SEEING AN AD HOC "TWO CHAMBER" SYSTEM, UNDER WHICH KOSOVO SERBS IN KOSOVO'S ASSEMBLY WOULD REPRESENT THE KOSOVO SERB COMMUNITY IN A SEPARATE CHAMBER. UNDER THIS SYSTEM, ALL MATTERS OF VITAL INTEREST WOULD GO TO THIS SECOND CHAMBER IN WHICH A MAJORITY OF ITS MEMBERS WOULD BE REQUIRED TO PASS SUCH LEGISLATION. IF THIS WERE NOT POSSIBLE, THE LEGISLATION WOULD GO TO A "SPECIAL PANEL" AND, AS A LAST RESORT, TO THE INTERNATIONAL REPRESENTATIVE, WHO WOULD HAVE THE FINAL WORD. UNDER THIS SETUP, THE KOSOVO SERB COMMUNITY WOULD BE TREATED ON A PAR WITH THE MAJORITY KOSOVO ALBANIANS. BOTH THE UNOSEK TEAM AND PRISTINA DELEGATION QUESTIONED THE PRACTICALITY OF SUCH A COMPLICATED MECHANISM, AND NOTED THAT A DOUBLE MAJORITY MECHANISM (REQUIRING A MAJORITY VOTE WITHIN THE MINORITY) FOR ALL LEGISLATION AFFECTING THE VITAL INTERESTS OF KOSOVO SERBS COULD BE ESTABLISHED WITHIN A SINGLE-CHAMBER KOSOVO ASSEMBLY. BELGRADE ALSO CONTINUED TO OBJECT TO ANY PRISTINA PROPOSAL THAT WOULD REDUCE THE LEVEL OF SERB AUTONOMY IN THE JUSTICE AREA. AT THE END OF THE TALKS BELGRADE INDICATED THAT IT WOULD PREPARE ITS OWN PAPER AND SHARE IT WITH ALL PARTIES IN THE FORESEEABLE FUTURE.

NEXT STEPS

19. (SBU) THERE WILL BE A MEETING IN VIENNA ON SEPTEMBER 15 WITH BOTH PARTIES TO DISCUSS THE DELINEATION OF NEW MUNICIPAL BOUNDARIES. NO OTHER MEETINGS ARE CURRENTLY PLANNED AT THIS STAGE.
MCCA